

IN THE COURT OF APPEALS OF IOWA

No. 18-0005
Filed February 6, 2019

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DANIEL LEE SHAW,
Defendant-Appellant.

Appeal from the Iowa District Court for Des Moines County, Jennifer S. Bailey, District Associate Judge.

Daniel Shaw appeals his conviction for carrying weapons. **AFFIRMED.**

Trent A. Henkelvig of Henkelvig Law, Danville, for appellant.

Thomas J. Miller, Attorney General, and Genevieve Reinkoester, Assistant Attorney General, for appellee.

Considered by Vogel, C.J., and Vaitheswaran and McDonald, JJ.

VAITHESWARAN, Judge.

Daniel Shaw appeals his judgment and sentence for carrying weapons, in violation of Iowa Code section 724.4(1) (2017). Shaw contends his trial attorney was ineffective in “failing to object to Iowa Code chapter 724 as unconstitutional under the 2nd amendment [to the United States Constitution] in light of [*District of Columbia v. Heller*, 554 U.S. 570 (2008)].” The State preliminarily responds that Shaw waived the issue by failing to “make any argument regarding how his trial counsel breached a duty [and] how this breach prejudiced him, and” by failing “to cite any authority in support of these claims.”

The Iowa Supreme Court recently held, “If the development of the ineffective-assistance claim in the appellate brief [is] insufficient to allow its consideration, the court of appeals should not consider the claim, but it should not outright reject it.” *State v. Harris*, 919 N.W.2d 753, 754 (Iowa 2018). The court stated the defendant could “bring a separate postconviction-relief action based on his ineffective-assistance-of-counsel claim.” *Id.*

Pursuant to *Harris*, we affirm Shaw’s judgment and sentence without prejudice to his right to raise his ineffective-assistance-of-counsel claim in a postconviction-relief application.

AFFIRMED.